

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VINCENT HILL,

Plaintiff,

v.

Case No. 08-CV-11632-DT

LINCOLN PARK POLICE OFFICERS
JEFFREY MUELLER AND S. NOE, et al.,

Defendants.

/

ORDER GRANTING DEFENDANTS' MOTION COMPEL

Pending before the court is Defendants' motion to compel, filed on October 16, 2008 [Dkt. #11]. The motion has not drawn a response.

Defendants' motion seeks the court's order to compel responses to all discovery requests, some dating to June of 2008, and further seeks the imposition of costs. Fed. R. Civ. P. 37(a)(5)(A). Discovery is scheduled to close on November 24, 2008. (7/23/2008 Scheduling Order.)

A party who does not respond, object or seek a protective order as to discovery requests such as these may be held to have waived any objection to the requests. Fed. R. Civ. P. 34(b). Such a result, in the court's view, is particularly apt when the party fails to respond to a motion to compel. Accordingly,

IT IS ORDERED that Defendants' motion to compel [Dkt. # 11] is GRANTED.

Plaintiff is ORDERED to produce the documents and fully answer all outstanding interrogatories as specified in Defendants' unopposed motion, such responses to be delivered to the office of Defendants' counsel not later than **noon on November 20**,

2008. In the event that full compliance is not achieved, Defendants shall so notify the court and opposing counsel by filing a notice of non-compliance not later than **noon on November 21, 2008.** If such notice is filed, Plaintiff is ORDERED to respond in writing, to be filed not later than **noon on November 26, 2008**, and show cause why this case should not be forthwith dismissed with prejudice pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(v). In the absence of Plaintiff's response being timely filed as ordered herein, this case will be dismissed with prejudice.

IT IS FURTHER ORDERED that costs are awarded to Defendants pursuant to Federal Rule of Civil Procedure 37(a)(5)(A). Defendants shall provide a bill of costs to Plaintiff's counsel on or before **November 21, 2008**, and the parties are directed to work cooperatively to settle any disputes over the appropriate assessment of a dollar amount. In the event the parties are unable to agree on the appropriate amount to be paid, Defendants shall file the necessary motion on or before **December 15, 2008.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 17, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 17, 2008, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522